THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 4735 of 2006

DATED: 17-03-2006

Between:

Singireddy Harivardhan Reddy …Petitioner

and

The District Collector, Ranga Reddy District

at Lakdikapool and others … Respondents

THE HONOURABLE SRI JUSTICE V. ESWARAIAH

WRIT PETITION NO. 4735 of 2006

ORDER:

Seeking a writ of Mandamus to declare the action of the 1st respondent in not passing any orders in the revision case filed by the petitioner as arbitrary and illegal, petitioner filed the writ petition.

Heard the learned counsel for the petitioner and the learned Government Pleader for the respondents and perused the material on record.

It is the case of the petitioner that he is the owner and possessor of the land admeasuring Ac.2.11 guntas in Survey No.588 of Gowdavalli village, Medchal Mandal, Ranga Reddy District having purchased the same from its lawful owners by virtue of a registered sale deed bearing document No.6190/1989 dated 17-08-1989. While so, the Mandal Revenue Officer, Medchal issued a show cause notice dated

21-03-2005 in Form–1 under Rule 3 of the A.P. Assigned Lands (Prohibition of Transfers) Rules, 1977(for short 'the Act') to show cause as to why the petitioner shall not be summarily evicted from the land and why the land will not be resumed in favour of Government for the contravention of the provisions of Sub-section 2 of Section 3 of the Act vide proceedings No. B/733/2005-8. It is stated that the petitioner filed an explanation, but without appreciating the explanation properly, the 3rd respondent passed final orders under the proceedings No.B/733/2005, dated 30-09-2005 resuming the said land to the Government. As against the said order, petitioner filed an appeal under Section 4(A) of the Act before the second respondent and the second respondent by order dated 21-01-2006 in C.S.No.B/4179/2005 dismissed the appeal. Against the said order, petitioner filed a revision under Section 4(B) of the Act on
02-02-2006 and thereafter an application for grant of stay on 05-02-2006, but the revisional authority has not granted any stay to the petitioner.

Having regard to the facts and circumstances of the case, I am not inclined to express any opinion on the merits of the case as both the authorities have concurrently held that the said land is assigned land and the petitioner is in illegal possession which is contrary to the provisions of Sub- Section 2 of Section 3 of the Act.

In this view of the matter as the revision is pending under Section 4(1) of the Act, without expressing any opinion on the merits of the case, writ petition is disposed of directing the first respondent to consider and dispose of the revision as expeditiously as possible and pending revision, status quo obtained as on today shall be maintained by both the parties.

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V. ESWARAIAH, J.

Dated: 17-03-2006

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